

AREA PLAN COMMISSION OF TIPPECANOE COUNTY

EXECUTIVE COMMITTEE

MINUTES OF PUBLIC HEARING

DATEJanuary 2, 2003
TIME.....4:30 P.M.
PLACECO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Jan Mills
Karl Rutherford
David Williams
Mark Hermodson

STAFF PRESENT

James Hawley
Sallie Fahey
Bernard Gulker
Joanna Grama, Attorney
Michelle D'Andrea

Jan Mills called the meeting to order.

I. APPROVAL OF MINUTES

Mark Hermodson moved to approve the minutes of the December 4, 2002, Executive Committee public hearing as submitted. Karl Rutherford seconded and the motion carried by voice vote.

II. NEW BUSINESS

III. PUBLIC HEARING

Mark Hermodson moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Karl Rutherford seconded and the motion carried by voice vote.

Mark Hermodson moved to continue **S-3257—TERRY MINOR SUBDIVISION (MINOR-SKETCH)** to the January 15, 2003 Area Plan Commission regular public meeting. Karl Rutherford seconded and the motion carried by voice vote.

IV. APPROVAL OF THE JANUARY 15, 2003 APC PUBLIC HEARING AGENDA

III. NEW BUSINESS

Mark Hermodson moved that the following items of new business be placed on the January 15, 2003 Area Plan Commission Public Hearing Agenda:

A. CONTRACT FOR LEGAL SERVICES

B. AMENDMENT TO THE BY-LAWS

Restructured filing fees

Karl Rutherford seconded and the motion carried by voice vote.

IV. PUBLIC HEARING

B. REZONING ACTIVITIES

Mark Hermodson moved that the following rezoning petitions be placed on the January 15, 2003 Area Plan Commission Public Hearing Agenda:

**Z-2102—KINGSWOOD DEVELOPMENT, LLC (A TO RE)
(Kingswood Subdivision)**

Karl Rutherford seconded and the motion was carried by voice vote.

C. SUBDIVISIONS

Mark Hermodson moved that the following subdivision petitions be placed on the January 15, 2003 Area Plan Commission Public Hearing Agenda at petitioners' request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

**S-3261—FAITH BAPTIST SUBDIVISION (MAJOR-
PRELIMINARY)**

The motion died for lack of a second because the case is to be placed on the January 21, 2003 public hearing agenda.

APPROVAL OF THE JANUARY 21, 2003 APC PUBLIC HEARING AGENDA

A. ORDINANCE AMENDMENTS

Mark Hermodson moved that the following amendments to the Unified Zoning Ordinance be place on the January 21, 2003 Area Plan Commission Public Hearing Agenda:

- 1. UZO AMENDMENT #33;** Regarding residential uses on ground floors in the Downtown
- 2. UZO AMENDMENT #34**
Regarding roadside stands.
- 3. USO AMENDMENT #3**
Regarding deletion of any mention of fees in the Unified Subdivision Ordinance.

Karl Rutherford seconded and the motion carried by voice vote.

B. REZONING ACTIVITIES

Mark Hermodson moved that the following rezoning petitions be placed on the January 21, 2003 Area Plan Commission Public Hearing Agenda:

1. **Z-2105—WILLIAM M. FLEISCHHAUER (SALISBURY PLACE PLANNED DEVELOPMENT) (CBW TO PDMX)**
2. **Z-2106—JUAN ALVAREZ (A TO R3)**

Karl Rutherford seconded and the motion carried by voice vote.

C. SUBDIVISIONS

Mark Hermodson moved that the following subdivision petitions be placed on the January 21, 2003 Area Plan Commission Public Hearing Agenda at petitioners' request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

1. **S-3261—FAITH BAPTIST SUBDIVISION (MAJOR-PRELIMINARY)**
2. **S-3267—SEXSON SUBDIVISION (MINOR-SKETCH)**
3. **S-3268—STONES CROSSING SUBDIVISION, SECTION 2 (MAJOR-PRELIMINARY)**
4. **S-3269—RAINEYBROOK SUBDIVISION, PART 2, SECTION 2 (MAJOR-PRELIMINARY)**
5. **S-3270—WINDING CREEK SUBDIVISION, SECTION 2 (MAJOR-PRELIMINARY)**

Karl Rutherford seconded and the motion carried by voice vote.

David Williams stated that the January 21, 2003 was in conflict with the City of Lafayette's BZA meeting and he would not be able to attend both. He asked if it was intentional that the meetings were at the same time.

Jan Mills explained that there was a problem with advertising.

David Williams said he understood the reasons for the special meeting, just not the timing.

James Hawley stated that the conflict was not intentional. He said that only after the meeting was set was he informed there was a Lafayette meeting at the same time. He explained that it was set for the same time that the Ordinance Committee Meeting was scheduled in the meeting room. He informed the Committee that the next day, Wednesday January 22, 2003 was scheduled for the ABZA.

Sallie Fahey stated that Monday January 20, 2003 was a holiday and Thursday January 23, 2003 would be too late to make the jurisdictions deadlines.

David Williams stated that he understood why the special meeting was needed. He said that his concern was that the meeting was at 4:30.

Karl Rutherford asked if it was too late to change any of the meetings due to the advertising deadlines.

James Hawley stated that was correct. He mentioned that it was an issue that had to be resolved quickly, or it could not have been done at all.

V. REVIEW AND APPROVAL OF THE JANUARY ABZA PUBLIC HEARING AGENDA

Mark Hermodson moved to place the following petitions on the January 22, 2003 Area Board Of Zoning Appeals Public Agenda.

1. **BZA-1627—JAMES ANDREW**
2. **BZA-1629—HAWKINS OUTDOOR ADVERTISING**

Karl Rutherford seconded and the motion carried by voice vote.

Mark Hermodson moved that with regard to the following petitions, the sign ordinance be strictly adhered to:

1. **BZA-1627—JAMES ANDREW**
2. **BZA-1629—HAWKINS OUTDOOR ADVERTISING**

Karl Rutherford seconded and the motion carried by voice vote.

VI. DETERMINATION OF VARIANCES

A. Lafayette Division of the Area Board of Zoning Appeals

Mark Hermodson moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

- #2003-1—KROGER LIMITED PARTNERSHIP**
- #2003-2—BECK DEVELOPMENT LLC**
- #2003-3—JULIE EDMONDS**
- #2003-4—MIKE'S EXPRESS CARWASH**
- #2003-5—JOHN W. & LINDA K. LEHNEN**
- #2003-6—SUNROOMS OF INDIANA, INC.**

Karl Rutherford seconded and the motion carried by voice vote.

Mark Hermodson moved that with regard to the following petitions, the sign ordinance be strictly adhered to:

- #2003-1—KROGER LIMITED PARTNERSHIP**
- #2003-2—BECK DEVELOPMENT LLC**
- #2003-4—MIKE'S EXPRESS CARWASH**
- #2003-5—JOHN W. & LINDA K. LEHNEN**

Karl Rutherford seconded and the motion carried by voice vote.

VII. REVIEW AND APPROVAL OF THE DECEMBER BUDGET REPORT

James Hawley reviewed memo regarding legal expenses. He pointed out that the budget will fall short for 2003.

Mark Hermodson moved to accept the December 2002 Budget Report as submitted. Karl Rutherford seconded and the motion carried by voice vote.

VIII. OTHER BUSINESS

IX. ADJOURNMENT

Mark Hermodson moved to adjourn the meeting. Karl Rutherford seconded and the motion carried by voice vote.

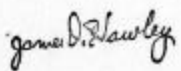
The meeting adjourned at 5:05 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



James D. Hawley
Executive Director